



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

7590 12/21/2001

TIMOTHY N TROP  
TROP PRUNER HU & MILES PC  
8554 KATY FREEWAY STE 100  
HOUSTON, TX 77024

EXAMINER
----------

DELA TORRE, CRESCELLE N

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

H.G

**Office Action Summary**

Application No.

09/409,366

Applicant(s)

YUE HENG XU

Examiner

Crescelle N dela Torre

Art Unit

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____     | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

Claims 1-30 are pending in this application. Claims 1, 10, 15, 19, and 21 are independent claims.

The present title of the invention is "Using Two Electronic Programming Guides".

#### *Drawings*

1. The formal drawings were received on 9/30/99. These drawings are approved.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 8, and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, "said first electronic programming" on line 3 lacks clear antecedent basis.

As to claim 8, line 3, "said second programming guide" lacks clear antecedent basis.

Art Unit: 2173

Claim 15 recites a "second medium" on line 8. Should "over a first medium" be added on line 4 after "guide"?

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneidewend et al (U.S. patent 6,249,320).

As to claim 1, Schneidewend et al, hereinafter Schneidewend, teach the following subject matter:

providing access to first EPG with a first set of program selections over a first medium, at figure 13;

Art Unit: 2173

providing access to a second EPG with a second set of program selections over a second medium, at figure 12; and

enabling user selection of viewing programs, at column 11, lines 55-58.

As per claim 2, Schneidewend shows that the second set at figure 12 is more extensive than the first set at figure 13.

In addition, as to claim 3, Schneidewend teaches that the first EPG provides the programming guide and program content, at column 12, lines 8-14.

As per claim 4, Schneidewend shows providing the second EPG, at figure 12.

Regarding claim 5, Schneidewend couples the user to the second medium upon receiving an access request, at column 12, lines 21-23.

As to claim 6, Schneidewend teaches internet access, at column 3, lines 5-16.

In reference to claim 7, Schneidewend teaches user selection of provided program selections, at figure 13.

As per claim 8, Schneidewend teaches providing the first and second EPGs in response to user request, at column 12, lines 21-23.

Regarding claim 9, Schneidewend teaches providing tuning information, at column 4, line 21.

As to claims 10-14, they correspond respectively to claims 1 and 5-8.

As per claim 15, Schneidewend teaches a content providing providing content and a first EPG, at column 3, lines 18-20; and a server for providing a second EPG upon request, at column 11, lines 2-5.

In reference to claim 16, Schneidewend teaches terrestrial, cable and satellite broadcast systems, at column 3, lines 5-8.

Schneidewend teaches an internet connection [claim 17] at column 3, line 6.

As to claim 18, Schneidewend shows a second EPG at figure 12 that is more extensive than a first EPG at figure 13.

6. Claims 21-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman et al (U.S. patent 6,078,348).

As per claim 21, Klosterman et al, hereinafter Klosterman, teach:

selecting from among plural programming options, at figures 2A, 2B;

accessing a web site linked to the selected programming option, at column 9, lines 28-32;

receiving additional programming options, at column 10, lines 44-53; and

selecting a program for viewing, at column 9, line 30.

Klosterman teaches a hierarchical system to select categories and subcategories [claim 22] and selecting from at least two category levels [claim 23] both at figure 1J, and column 7, lines 42-47; and accessing internet information [claim 24] at column 9, line 31.

In addition, as to claim 25, Klosterman teaches receiving tuning information, at column 9, line 30.

As to claims 26 and 27, Klosterman teaches encryption and decryption, at column 5, lines 19-20.

Art Unit: 2173

As per claim 28, Klosterman teaches receiving programming information from a content provider, at figure 2B.

Klosterman inherently teaches authorization information [claim 29] at and payment information [claim 30] at column 9, lines 31-32.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend et al (U.S. patent 6,249,320) in view of Stautner et al (U.S. patent 6,172,677).

Regarding claim 19, Schneidewend teaches the following:

a processor, at figure 1, and column 3, lines 41-45;

memory, at figure 1, and column 10, lines 15-24, for storing software for controlling at least two EPGs, at figures 12, 13;

an input device for selecting program options, with remote control unit 70, at figure 1, and column 3, lines 41-45; and

wherein the software can connect the system to the internet to receive the second EPG, at column 3, lines 5-16.

Art Unit: 2173

Schneidewend teaches the above elements of claim 19, but does not specifically teach that the input device is a mouse.

However, it is known in the art that there many different types of input devices for entering information. For instance, Stautner et al, hereinafter Stautner, teach at column 4, lines 54-57, that a "navigational device, such as an arrow key, mouse or other type of pointing mechanis" "may be used to select or highlight a particular cell'.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a mouse device in the invention of Schneidewend because it provides the user with an alternative way of inputting information.

As to clalim 20, Schneidewend show a first EPG at figure 13, and a second EPG at figure 12.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bedard (U.S. patent 5,801,747) also teaches an electronic programming guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescelle N dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.



Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications; (703) 746-7238 for After Final communications; and (703) 746-7240 for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*C. de la Torre*  
**CRESCELLE N. DELA TORRE**  
**PRIMARY EXAMINER**

12/14/01